

REMARKS

Claims 7-9 and 69-74 were previously pending in this case, but only claims 7-9 were addressed in the Office Action. Claims 69-74 were added in the Supplemental Amendment of April 11, 2008, and those claims have never been rejected, withdrawn, restricted or canceled. Instead, the Examiner in the Office Action mailed July 11, 2008, incorrectly stated that these claims were withdrawn from consideration, which mistake the Applicant addressed in the response filed on August 22, 2008. Thus, claims 7-9 and 69-74 remain pending (along with new claims 75 and 76), and Applicants request that those claims be addressed in some fashion in the next Office Action. Additionally, since claims 69-74 were not addressed at all in the Office Action, Applicants submit that if those claims are rejected in the next Office Action, then that next Action cannot be made Final.

In the Office Action, claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over an alleged 4-way combination of Shore (U.S. Patent Application Publication No. 2003/0149662), Ali et al. (U.S. Patent No. 5,896,411), Phillips Business ("Bluetooth Technology Set to Re-Define the Personal Communications Market," Phillips Business Information's Communications Standards News, Dec. 20, 1999) and Business ("ASAP to Enable E-Commerce Companies to Go WAP!", Business Wire, Mar. 7, 2000).

The Office primarily relies on Shore, citing its Fig. 3 and paragraphs [0087-89] to show the vendor device from independent claim 7. The Shore vendor device is an infrared device that is part of a point-of-purchase terminal, or part of an automatic teller machine (ATM). The Shore description of this device simply states that the terminal or ATM can have infrared capabilities, and does not go into detail on how it would be used with a mobile device, so the Office correctly concedes that Shore fails to teach or suggest this device transmitting "a program to take control

of a wireless mobile device's menuing, interaction and display functions to extend the vendor device's display interface to said mobile device."

The Office cites Ali et al. to address this deficiency, but even if Ali et al. were combined with Shore, the result still would not include the claimed transmission of a program to take control of a wireless mobile device's menuing, interaction and display functions to extend the vendor device's display interface to said mobile device," as recited in claim 7. Ali et al.'s "reverse control" has nothing to do with controlling a mobile device's menuing, interaction and display functions. Instead, the Ali et al. "Reverse Link Power Control" is used by the Ali et al. cellular phone base station to control the transmit power used by the various cell phones that are talking to the base station. See, e.g., Ali et al. col. 1, lines 46-48 ("The means by which the base station controls the transmit power over reverse links is called Reverse Link Power Control."); and col. 2, lines 35-38 ("... every time the [subscriber unit] receives a power control bit it either increases or decreases its transmit power by 1dB, depending on the value of the bit ..."); and col. 3, lines 30-33 ("According to the present invention, the power control step size may be dynamically determined and assigned by the base station based upon various system conditions.") (emphasis added). Rather than always stepping the power up/down by 1dB, Ali et al. describes changing this step size to other sizes, such as 0.25dB, 0.5dB, etc. See Ali et al., col. 3, line 46.

Even if Ali et al. and Shore were combined, the result would have the Shore ATM telling a mobile device to change its transmit power step size (e.g., making it go up/down 0.25dB, instead of 1dB, the next time it receives a power control bit). There would be nothing to take control of the mobile device's menuing interaction and display functions to extend the vendor

device's display interface to said mobile device, as recited. Ali et al. does not even mention "menu", "interaction," or "display" anywhere in its description.

The Office also cites Phillips Business as allegedly showing a program taking control of a mobile device's menuing, interaction and display functions. The Phillips article is a two-page article about the history of the Bluetooth standard and the Bluetooth Special Interest Group (SIG), and the only specific "teaching" cited by the Office is a short statement that Bluetooth will "enable a wireless world." No one of ordinary skill would read those four words and conclude that the article is disclosing transmission of a program to take control of a mobile device's menuing, interaction and display functions to extend the vendor device's display interface to the mobile device, as recited. For example, Phillips Business also makes no mention of such a vendor device display interface.

And as a final reference, the Office cites Business. That article, which was previously cited before the appeal in this case, is another short (2-page) non-technical article that also fails to mention any transmission of a program to take over a mobile device's menuing, interaction and display functions to extend the vendor device's display interface to the mobile device, as recited. Indeed, the Office acknowledges that Business discusses mobile devices using WAP to access web pages – the Shore infrared device is not a web page, and it is unclear how this particular combination could ever result in the claimed features. Shore also does not describe a vendor device display.

For at least these reasons, Applicants submit that none of the cited references discloses the vendor device display being extended as recited in claim 7, and that this claim continues to distinguish over the cited art. Claims 8-9 depend from claim 7, and are distinguishable for at least the same reasons as claim 7, and further in view of the various features recited therein.

Two other independent claims, claims 69 and 72, have been pending since April, 2008, but to date the Office has not addressed them at all. For completeness, Applicants request that the next Office Action indicate something about these claims. Those claims recite “taking control” and “extend” language that is similar to that in claim 7, and are similarly distinguishable over the applied references. The remaining claims 70, 71 and 73-76 depend from claims 69 or 72, and are distinguishable for at least the same reasons as their respective base claims, and further in view of the various features recited therein.

Conclusion

Applicants submit that pending claims 7-9 and 69-76 distinguish over the applied references, and are in condition for allowance. If the Examiner feels that additional discussion and/or amendment would be helpful, the Examiner is invited to telephone Applicants’ undersigned representative at the number appearing below.

Respectfully submitted,

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